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5 Attorneys for Plaintiff / Counterclaim-Defendant
Audrey Davis

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

9 Audrey Davis,
10 Plaintiff /
11 Counterclaim-Defendant,
12 v.
13 Rhondie Voorhees,
14 Defendant /
15 Counterclaim-Plaintiff,
16 and,
17 ERAU College Board of Trustees; ERAU;
18 and Tyler Smith,
19 Defendants.

Case No. 3:21-cv-08249-DLR

**DECLARATION OF
MARC J. RANDAZZA**

20 I, Marc J. Randazza, declare:

21 1. I am over 18 years of age and have never been convicted of a crime involving
22 fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called
23 as a witness could and would testify competently thereto.

24 2. I am an attorney licensed in the States of Nevada, California, Arizona,
25 Massachusetts, and Florida, and have nearly 20 years of experience as an attorney.

3. I have a BA from the University of Massachusetts, Amherst, where I earned
a B.A. in journalism, and focused my studies on media law. I have a JD from Georgetown

1 University Law Center. I also hold a Master's Degree in Mass Communications from the
2 University of Florida, where I also focused on media and First Amendment law studies.
3 Finally, I have an LL.M. from the University of Turin, Italy. A true and correct copy of my
4 curated *curriculum vitae* is attached to Plaintiff Audrey Davis's Motion for Costs and
5 Attorneys' Fees (the "Fee Motion") as **Exhibit 14**.

6 4. I am the managing partner of Randazza Legal Group, PLLC ("RLG").

7 5. The primary focus of my practice is free speech and First Amendment
8 litigation.

9 6. I am attorney of record for Audrey Davis.

10 7. As managing partner of RLG, I oversee the billing entries for the firm on this
11 case, utilizing the billing software Bill4Time. Attached as **Exhibit 12** to the Fee Motion
12 are the billing entries for Davis's case in spreadsheet format. The fee spreadsheet contains
13 a true and correct account of the time RLG's attorneys and staff spent on the case, and the
14 hourly rates charged for this work.

15 8. The spreadsheet displays the date of entry; the attorney, paralegal, or staff
16 performing the work; the description of the work performed; and the amount of time spent
17 performing that activity, as entered into Bill4Time, tracked in one-tenths of an hour.

18 9. Due to my legal expertise and reputation, I have appeared on and written
19 articles for numerous national news sources, including (but not limited to) National Public
20 Radio, The New York Times, CNN, Fox News, NBC, and Vegas Inc., and I was a
21 columnist for CNN.

22 10. I submitted proposed Anti-SLAPP legislation to the Nevada Senate on March
23 15, 2013. I was called as a witness before the Nevada State Senate Judiciary committee to
24 testify as an expert on First Amendment law and Anti-SLAPP laws for the benefit of the
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1 committee and the Senate in passing this important law. On April 22, 2013, the Nevada
2 Senate voted on the proposed Anti-SLAPP Statute, and passed it unanimously. I appeared
3 before the Assembly Judiciary Committee on May 6, 2013. On May 22, 2013, the Nevada
4 Assembly voted on the Anti-SLAPP statute, and passed the proposed statute unanimously.
5 On May 27, 2013, Governor Brian Sandoval approved the bill. I testified before the Nevada
6 Assembly Committee on the Judiciary on April 24, 2015 when the Nevada legislature was
7 considering SB 444, an amendment that would have stripped Nevada's Anti-SLAPP statute
8 of its most important protections and remedies and would have rendered it useless. I also
9 led the lobbying effort to save the statute from the significant changes SB 444 would have
10 brought. In fact, I alone lobbied against it and I was instrumental in crafting the language
11 in the statute today. The version of SB 444 that ultimately passed, creating the current
12 version of the statute, retains the substance of the 2013 statute with relatively mild changes.

13 11. I have also assisted legislatures in Pennsylvania, Ohio, and New York on
14 Anti-SLAPP legislation.

15 12. For this matter, all RLG attorneys and staff billed Davis at their customary
16 rates. However, out of respect for the important First Amendment issues this case
17 presented, and the lack of access to justice that Davis may have suffered otherwise, RLG
18 entered into a fee agreement with Davis whereby she would be entitled to a discount on
19 her bill if payment was made within a certain time period.

20 13. RLG recorded a total of 132.0 hours in relation to defending Voorhees's
21 claims against Davis in the action filed by Voorhees in Yavapai County Superior Court (the
22 "State Court Action").

23 14. Of those 132.0 hours recorded, 125.9 hours were actually billed to Davis for
24 a total fee amount of \$54,225.00.

1 15. After reviewing the billing entries recorded in relation to the State Court
2 Action, RLG voluntarily reduced the amount sought in the Fee Motion by a total of 38.6
3 hours, accounting for \$18,190.00 in fees because such time relates to work product and
4 research that can be reused in responding to Voorhees's counterclaim in this action, or is
5 otherwise not properly compensable. In reviewing the billing entries for this matter, RLG
6 erred on the side of writing off any time that could be reused for the purposes of this action.

7 16. The total amount sought in Davis's Fee Motion is \$36,035.00, which
8 represents 87.3 hours of time spent litigating the State Court Action.

9 17. My current billing rate is \$900 per hour. For purposes of the Fee Motion, I
10 worked 25.7 compensable hours. This included significant drafting, interviewing and
11 discussing complex facts with my client, and preparing for and participating in oral
12 argument.

13 18. Attorney Ronald Green has a JD from University of Pittsburgh School of
14 Law and is a Nevada-licensed attorney with 21 years of litigation experience. He has spent
15 most of his career as an intellectual property litigator, and has several years of experience
16 with defamation and First Amendment cases. Mr. Green's customary billing rate is \$550
17 per hour. For purposes of the Fee Motion, he worked 10.8 compensable hours.

18 19. Attorney Jay M. Wolman has a JD from Georgetown University Law Center.
19 He is licensed to practice in New York, Massachusetts, and Connecticut, and has
20 approximately 20 years of litigation experience. He has significant experience in
21 defamation and First Amendment litigation. Due to Mr. Wolman's limited role in this
22 litigation, however, Davis does not seek compensation for his time spent working on this
23 case.

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1 20. Attorney Alex J. Shepard earned his JD from Washington University School
2 of Law, is licensed to practice in both Nevada and California, and has approximately 8
3 years of experience, primarily in intellectual property and First Amendment litigation,
4 including defamation cases. Mr. Shepard's customary billing rate is \$450 per hour. For
5 purposes of the Fee Motion, he worked 3.0 compensable hours.

6 21. Trey Rothell earned his JD at the Florida State University College of Law
7 and is licensed to practice law in the State of Nevada. Although he has been licensed for
8 less than 1 year, Mr. Rothell worked for RLG as a law clerk for 3 years and has an
9 additional 4 years of experience as a paralegal. His billing rate is \$325 per hour as an
10 attorney and was \$200 per hour as a law clerk. For purposes of the Fee Motion, he worked
11 10.4 hours.

12 22. Attorney Zachary I. Gorelick has been licensed to practice law for less than
13 one year. Due to Mr. Gorelick's limited role in this litigation, however, Davis does not seek
14 compensation for his time spent working on this case.

15 23. Cassidy Curran is a paralegal with nearly two of experience. Her billing rate
16 is \$175 per hour. For purposes of the Fee Motion, she worked 14.2 compensable hours.

17 24. Precious Carroll is a paralegal with approximately one year of experience.
18 Her billing rate is \$175 per hour. For purposes of the Fee Motion, she worked 2.2
19 compensable hours.

20 25. Sam Manco is a paralegal with approximately one year of experience. His
21 billing rate is \$175 per hour. For purposes of the Fee Motion, he worked 5.5 compensable
22 hours.

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1 26. Suzanne Levenson is a paralegal with approximately 8 years of experience.
2 Her billing rate is \$175 per hour. For purposes of the Fee Motion, she worked 15.5
3 compensable hours.

4 27. Because of her limited role in the case, paralegal Brittani Holt's time was
5 written off in its entirety.

6 28. These rates are based on national market rates, as RLG's practice is nation-
7 wide. However, we generally follow the Adjusted Laffey Matrix, with some elevated rates
8 for special matters. Furthermore, we do not charge for most customary costs like long-
9 distance phone calls, faxes, and the like, as we build most "costs" into our hourly rates
10 rather than nickel-and-dime our clients for small costs and charges.

11 29. In multiplying the respective rate by the compensable hours expended
12 working on this case, the total attorneys' fees incurred in representing Davis for such work
13 in this matter, billed at RLG's customary hourly rates, was \$36,035.00.

14 30. To maximize cost efficiency, I had others take primary responsibility for any
15 investigation, research, and drafting memoranda they could for this action, while I provided
16 litigation strategy and wrote the final drafts of the motions and pleadings.

17 31. RLG made every effort to avoid duplication of work and otherwise minimize
18 the fees and costs incurred by Davis, for example by having lower-cost associates perform
19 work such as research and drafting legal memoranda, while partner-level attorneys were
20 largely relegated to making strategic decisions, preparing the final drafts of motions, and
21 appearing at hearings.

22 32. In addition to time that can reasonably attributed to traditional research and
23 drafting, RLG spent a significant portion of their time opposing Voorhees's bad-faith
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1 attempts to secure a default against Davis, despite having knowledge of Davis's military
2 service.

3 33. RLG additionally spent significant time responding to Voorhees's numerous
4 motions to strike Davis's filings.

5 34. Because of Voorhees's insistence on challenging the bona fides of Davis's
6 military service, RLG was required to spend time coordinating with witnesses, including
7 an on-campus ROTC records specialist and Davis's superior officers.

8 35. RLG was required to attend an in-person hearing on the issue of default in
9 Prescott, Arizona.

10 36. Much of this time could have been obviated by Voorhees stipulating to setting
11 aside the default sought against Davis or not filing a false affidavit in the state court case
12 in order to secure a default

13 37. Due to Davis's unavailability stemming from her active duty military service,
14 RLG was not retained by Davis until well after Voorhees sought entry of a default against
15 Davis. Due to this timeline, RLG was required to work quickly in briefing issues under the
16 Servicemember Civil Relief Act and arguing the same before the court, while also focusing
17 on Davis's substantive defenses.

18 38. The research and briefing required the participation of most of RLG's
19 employees, so that Davis would not be prejudiced by any further delay.

20 39. The information contained in this declaration and in the Fee Motion filed
21 herewith are truthful to the best of my knowledge and belief.

22 I declare under penalty of perjury that the foregoing is true and correct.

23 || Executed on: December 28, 2021.

/s/ Marc J. Randazza
Marc J. Randazza